

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7443 of 2020

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Rita Devi Wife of Sri Pancham Kumar, resident of Village- Nadawan (Nayi Haveli), P.S. Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Railway Government of India 256A, Raisina Road, Raj Path area, Central Secretariat, New Delhi.
2. The General Manager, East Central Railway having its office at Hajipur, Vaishali.
3. The Divisional Rail Manager, East Central Railway, Danapur.
4. The Senior Section Engineer (Work) East Central Railway, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate
For the Respondent/s : Mr.Dr.K.N. Singh (ASG)
Mr. Abbas Haider, SC-6

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

6 25-02-2021 Heard learned counsel for the parties.

The petitioner has sought for quashing of an order dated 29.07.2020, issued by Senior Section Engineer (Work), East Central Railway, Jehanabad (Respondent No. 4) asking her husband to remove the construction made by him over a piece of land, which, according to the notice, is a railway land and the noticee has encroached upon the same.

Learned counsel for the petitioner has submitted that though notice was issued on 29.07.2020, till date no action has been taken to remove the alleged encroachment. He has further submitted that it is beyond the jurisdiction for the respondent to



issue such letters and forcibly dispossess the petitioner from the land in question in the name of removal of encroachment, without invoking the provisions of Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

As, according to the petitioner herself, till date no action has been taken to remove the alleged encroachment in compliance of the said notice, the Court is not inclined to interfere with the present matter.

It goes without saying that the respondents are expected to proceed in accordance with law for removal of encroachment if any.

This application stands disposed of with the aforesaid observation.

(Chakradhari Sharan Singh, J)

Rajesh/-

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